

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1339

Introduced by Senator Monning

February 19, 2016

An act to ~~amend~~ *add Section 10003 to, and to repeal Sections 11053 and 11053.2 of* the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1339, as amended, Monning. Public social services: intercounty transfers.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the Temporary Assistance for Needy Families (TANF) program, each county provides cash assistance and other benefits to qualified low-income families.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services.

Existing law establishes a statewide program to enable eligible low-income persons to receive food stamps under the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh. Existing law requires counties to implement the program, including determining eligibility and distributing CalFresh benefits. Existing law requires the State Department of Social Services to establish and implement a process of intercounty transfer of eligibility for CalFresh benefits, and to take various regulatory actions.

Under existing law, a recipient of aid who is changing residence from one county to another within the state is required to notify the county paying aid to the recipient of the move, and to apply for a redetermination of eligibility within the new county of residence. Existing law imposes various requirements on the relevant counties, including requiring the county to which the recipient has moved to determine the recipient's continued eligibility for payment of aid and, to the extent possible, the recipient's eligibility for the Medi-Cal program.

~~This bill would delete a requirement that the first county notify the second county of the recipient's move, and would instead provide that the new county of residence is responsible for the payment of aid and CalFresh benefits as soon as either county becomes aware of the recipient's move, and is responsible for the provision of Medi-Cal benefits as of the first day of the month following 30 days after the new county is notified of the recipient's relocation. The bill would also provide that a Medi-Cal beneficiary who is enrolled in a Medi-Cal managed care plan and who changes residence to a county in which that managed care plan does not operate, shall, prior to the transfer of his or her Medi-Cal benefits, be entitled to receive services from a Medi-Cal provider in the county to which he or she has moved. Because this bill imposes additional duties on counties with regard to the provision of aid, this bill would impose a state-mandated local program.~~

~~This bill would extend the dates upon which the State Department of Social Services would be required to establish and implement the CalFresh intercounty transfer process and take related regulatory action.~~

This bill would delete those provisions relating to the notice and redetermination of aid procedures for when a recipient of aid changes residence from one county to another within the state, including the procedures for intercounty transfer of CalFresh benefits. The bill would instead require the recipient to notify either the county from which he or she moves or the county to which he or she moves of the change of residence, and as soon as either county is aware of the move, would require that county to initiate an intercounty transfer for specified public social service benefits, which shall be transferred within 30 days after the county becomes aware of the recipient's move. The bill would prohibit, to the extent permitted by federal law and regulation, the new county of residence from interviewing recipients from another county to determine continued eligibility for the CalWORKs or CalFresh programs until the next scheduled recertification or redetermination,

and would require case file documents to be shared electronically between the prior county of residence and the new county of residence. The bill would provide that a Medi-Cal beneficiary moving to a new county is entitled to medical assistance in the county that he or she is residing in at the time and would require the beneficiary to, if he or she is still enrolled in the managed care health plan in the county from which he or she moved and needs services in the new county, upon request, be disenrolled immediately from his or her managed care plan and either receive services through the fee-for-services delivery system or be enrolled in a Medi-Cal managed care plan in the new county. Because this bill would impose additional duties on counties with regard to the provision of aid, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11053 of the Welfare and Institutions~~
2 ~~Code is amended to read:~~
3 ~~11053. (a) It shall be the responsibility of a recipient changing~~
4 ~~residence from one county to another within the state to promptly~~
5 ~~notify the county paying aid to the recipient of the move and to~~
6 ~~apply for a redetermination of eligibility within the new county of~~
7 ~~residence. As soon as either county is aware of the move, the~~
8 ~~county to which the recipient has moved will be responsible for~~
9 ~~payment of aid and, to the extent possible, as determined by the~~
10 ~~Director of Health Care Services, responsible for providing~~
11 ~~Medi-Cal benefits as of the first day of the month following 30~~

1 days after the first county has notified the second county of the
2 recipient's relocation.

3 (b) ~~Notwithstanding subdivision (a) or any other law, a Medi-Cal~~
4 ~~beneficiary who is enrolled in a Medi-Cal managed care plan, and~~
5 ~~who changes residence to a county in which that managed care~~
6 ~~plan does not operate, shall, prior to the transfer of his or her~~
7 ~~Medi-Cal benefits, be entitled to receive services from a Medi-Cal~~
8 ~~provider in the county to which he or she has moved.~~

9 SEC. 2. ~~Section 11053.2 of the Welfare and Institutions Code~~
10 ~~is amended to read:~~

11 11053.2. (a) ~~Notwithstanding any other law, the department~~
12 ~~shall establish a process of intercounty transfer of eligibility for~~
13 ~~CalFresh benefits provided under Chapter 10 (commencing with~~
14 ~~Section 18900) of Part 6 when a recipient changes residence from~~
15 ~~one county to another within the state. The intercounty transfer~~
16 ~~process shall facilitate a recipient's move from one county to~~
17 ~~another without a break in benefits and without requiring a new~~
18 ~~application to be submitted to the new county of residence.~~

19 (b) (1) ~~For CalFresh recipients who are receiving CalWORKs~~
20 ~~benefits pursuant to Chapter 2 (commencing with Section 11200);~~
21 ~~the intercounty transfer process utilized for CalWORKs shall be~~
22 ~~used.~~

23 (2) ~~For CalFresh recipients who are receiving Medi-Cal benefits~~
24 ~~pursuant to Chapter 7 (commencing with Section 14000), but are~~
25 ~~not receiving CalWORKs benefits pursuant to Chapter 2~~
26 ~~(commencing with Section 11200), the intercounty transfer process~~
27 ~~utilized for the Medi-Cal program shall be used.~~

28 (3) ~~This subdivision shall be implemented no later than April~~
29 ~~1, 2017.~~

30 (c) ~~For CalFresh recipients who are not receiving CalWORKs~~
31 ~~or Medi-Cal benefits as described in paragraphs (1) and (2) of~~
32 ~~subdivision (b), an intercounty transfer process shall be developed;~~
33 ~~in consultation with representatives of county human services~~
34 ~~departments and advocates for recipients. To the greatest extent~~
35 ~~possible, the process shall be simple, client friendly, ensure the~~
36 ~~client does not need to provide copies of documents that were~~
37 ~~previously provided to the prior county of residence, build on~~
38 ~~existing processes for the programs described in paragraphs (1)~~
39 ~~and (2) of subdivision (b), and minimize workload for county~~

1 eligibility operations. The process developed pursuant to this
2 subdivision shall be implemented no later than July 1, 2017.

3 (d) Upon the implementation of the intercounty transfer
4 procedures set forth in this section, it shall be the responsibility of
5 a recipient changing residence from one county to another within
6 the state to notify his or her prior county of residence of his or her
7 move. The prior county of residence shall notify the new county
8 of the recipient's move as soon as the recipient's location in the
9 new county is known. The new county of residence shall be
10 responsible for determining the recipient's continued eligibility
11 for payment of CalFresh benefits. To the extent permitted by
12 federal law, the new county of residence shall not be required to
13 interview persons in the CalFresh household to determine continued
14 eligibility until the next scheduled recertification or other regularly
15 scheduled interview.

16 (e) Notwithstanding the Administrative Procedure Act (Chapter
17 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
18 Title 2 of the Government Code), the department may implement
19 this section through all-county letters, or similar instructions from
20 the director no later than April 1, 2017, with respect to subdivision
21 (b), and no later than July 1, 2017, with respect to subdivision (c).

22 (f) The department shall adopt regulations as otherwise
23 necessary to implement this section no later than July 1, 2017.
24 Emergency regulations adopted for implementation of this section
25 may be adopted by the director in accordance with the
26 Administrative Procedure Act (Chapter 3.5 (commencing with
27 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
28 Code). The adoption of emergency regulations shall be deemed to
29 be an emergency and necessary for immediate preservation of the
30 public peace, health and safety, or general welfare. The emergency
31 regulations shall be exempt from review by the Office of
32 Administrative Law. The emergency regulations authorized by
33 this section shall be submitted to the Office of Administrative Law
34 for filing with the Secretary of State and shall remain in effect for
35 no more than 180 days.

36 *SECTION 1. Section 10003 is added to the Welfare and*
37 *Institutions Code, to read:*

38 *10003. (a) It shall be the responsibility of a recipient changing*
39 *residence from one county to another to promptly notify either the*
40 *county from which he or she moves or the county to which he or*

1 *she moves of the change of residence. Recipients of CalWORKs,*
2 *CalFresh, or Medi-Cal shall have the right to report a change of*
3 *residence in person, in writing, telephonically, or, if the technology*
4 *is available, electronically online and shall be advised of this right*
5 *at the time of application and redetermination or recertification.*
6 *If a recipient moves from one county to another county, as soon*
7 *as either county is aware of the move, that county shall initiate an*
8 *intercounty transfer for all benefits under this division that the*
9 *recipient is receiving. Benefits for all programs for which the*
10 *recipient is eligible shall be transferred within 30 days after any*
11 *county becomes aware of the recipient's move in order to effectuate*
12 *the earliest possible start date.*

13 *(b) To the greatest extent possible, the intercounty transfer*
14 *process shall be simple and client friendly and minimize workload*
15 *for county eligibility operations. The process shall ensure the*
16 *applicant or recipient does not need to provide copies of documents*
17 *that were previously provided to the prior county of residence,*
18 *and there is no interruption in benefits.*

19 *(c) Case file documents shall be electronically shared between*
20 *the prior county of residence and the new county of residence, to*
21 *the extent possible, as specified by the relevant state departments.*

22 *(d) To the extent permitted by federal law and regulation, the*
23 *new county of residence shall not interview recipients moving to*
24 *that county from another county to determine continued eligibility*
25 *for CalWORKs or CalFresh until the next scheduled recertification*
26 *pursuant to 18910.1 or redetermination pursuant to section 11265.*

27 *(e) Notwithstanding subdivision (a) or any other law, a Medi-Cal*
28 *beneficiary moving to a new county shall be entitled to medical*
29 *assistance in the county that he or she is residing in at the time,*
30 *even if he or she is enrolled in a prepaid health care plan in*
31 *another county. For beneficiaries required to receive services*
32 *through a Medi-Cal managed care plan, the following shall apply:*

33 *(1) If the beneficiary moves to a county that provides Medi-Cal*
34 *services through a county organized health system, the beneficiary*
35 *shall be enrolled in that county organized health system plan on*
36 *the first day of the month the new county of residence assumes*
37 *responsibility for that beneficiary.*

38 *(2) If the beneficiary is still enrolled in the managed care health*
39 *plan in the county from which he or she moved and needs services*
40 *in the new county, the beneficiary shall, upon request, be*

1 disenrolled immediately from his or her managed care plan and
2 either receive services through the fee-for-services delivery system
3 or be enrolled in a Medi-Cal managed care plan in the new county.
4 A beneficiary may make this request by telephone, in person, or
5 electronically online. The request shall be available for submission
6 by the beneficiary electronically online to reduce administrative
7 costs and increase access to medical services for Medi-Cal
8 beneficiaries.

9 (f) Failure to report a move to a different county within the state
10 in itself shall not constitute a basis for an overpayment.

11 SEC. 2. Section 11053 of the Welfare and Institutions Code is
12 repealed.

13 ~~11053. It shall be the responsibility of a recipient changing~~
14 ~~residence from one county to another within the state to promptly~~
15 ~~notify the county paying aid to the recipient of the move and to~~
16 ~~apply for a redetermination of eligibility within the new county of~~
17 ~~residence. The first county shall notify the second county of the~~
18 ~~recipient's move as soon as the recipient's location in the second~~
19 ~~county is known. The county to which the recipient has moved~~
20 ~~will be responsible for determining the recipient's continued~~
21 ~~eligibility for payment of aid and, to the extent possible, as~~
22 ~~determined by the Director of Health Services, eligibility for the~~
23 ~~Medi-Cal program, as of the first day of the month following 30~~
24 ~~days after the first county has notified the second county of the~~
25 ~~recipient's relocation. The first county shall provide the second~~
26 ~~county with copies of those documents, as specified by the~~
27 ~~department, necessary to establish current eligibility and grant~~
28 ~~amount.~~

29 SEC. 3. Section 11053.2 of the Welfare and Institutions Code
30 is repealed.

31 ~~11053.2. (a) Notwithstanding any other law, the department~~
32 ~~shall establish a process of intercounty transfer of eligibility for~~
33 ~~CalFresh benefits provided under Chapter 10 (commencing with~~
34 ~~Section 18900) of Part 6 when a recipient changes residence from~~
35 ~~one county to another within the state. The intercounty transfer~~
36 ~~process shall facilitate a recipient's move from one county to~~
37 ~~another without a break in benefits and without requiring a new~~
38 ~~application to be submitted to the new county of residence.~~

39 ~~(b) (1) For CalFresh recipients who are receiving CalWORKs~~
40 ~~benefits pursuant to Chapter 2 (commencing with Section 11200);~~

1 the intercounty transfer process utilized for CalWORKs shall be
2 used.

3 (2) For CalFresh recipients who are receiving Medi-Cal benefits
4 pursuant to Chapter 7 (commencing with Section 14000), but are
5 not receiving CalWORKs benefits pursuant to Chapter 2
6 (commencing with Section 11200), the intercounty transfer process
7 utilized for the Medi-Cal program shall be used.

8 (3) This subdivision shall be implemented no later than April
9 1, 2011.

10 (e) For CalFresh recipients who are not receiving CalWORKs
11 or Medi-Cal benefits as described in paragraphs (1) and (2) of
12 subdivision (b), an intercounty transfer process shall be developed,
13 in consultation with representatives of county human services
14 departments and advocates for recipients. To the greatest extent
15 possible, the process shall be simple, client friendly, ensure the
16 client does not need to provide copies of documents that were
17 previously provided to the prior county of residence, build on
18 existing processes for the programs described in paragraphs (1)
19 and (2) of subdivision (b), and minimize workload for county
20 eligibility operations. The process developed pursuant to this
21 subdivision shall be implemented no later than July 1, 2011.

22 (d) Upon the implementation of the intercounty transfer
23 procedures set forth in this section, it shall be the responsibility of
24 a recipient changing residence from one county to another within
25 the state to notify his or her prior county of residence of his or her
26 move. The prior county of residence shall notify the new county
27 of the recipient's move as soon as the recipient's location in the
28 new county is known. The new county of residence shall be
29 responsible for determining the recipient's continued eligibility
30 for payment of CalFresh benefits. To the extent permitted by
31 federal law, the new county of residence shall not be required to
32 interview persons in the CalFresh household to determine continued
33 eligibility until the next scheduled recertification or other regularly
34 scheduled interview.

35 (e) Notwithstanding the Administrative Procedure Act (Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code), the department may implement
38 this section through all-county letters, or similar instructions from
39 the director no later than April 1, 2011, with respect to subdivision
40 (b), and no later than July 1, 2011, with respect to subdivision (e).

1 ~~(f) The department shall adopt regulations as otherwise~~
2 ~~necessary to implement this section no later than July 1, 2012.~~
3 ~~Emergency regulations adopted for implementation of this section~~
4 ~~may be adopted by the director in accordance with the~~
5 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
6 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
7 ~~Code). The adoption of emergency regulations shall be deemed to~~
8 ~~be an emergency and necessary for immediate preservation of the~~
9 ~~public peace, health and safety, or general welfare. The emergency~~
10 ~~regulations shall be exempt from review by the Office of~~
11 ~~Administrative Law. The emergency regulations authorized by~~
12 ~~this section shall be submitted to the Office of Administrative Law~~
13 ~~for filing with the Secretary of State and shall remain in effect for~~
14 ~~no more than 180 days.~~

15 ~~SEC. 3.~~

16 ~~SEC. 4.~~ No appropriation pursuant to Section 15200 of the
17 Welfare and Institutions Code shall be made for purposes of
18 implementing this act.

19 ~~SEC. 4.~~

20 ~~SEC. 5.~~ If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.